

Alliance Point 13: Seize and forfeit the proceeds and instrumentalities of drug trafficking and direct these to the use of drug prevention and law enforcement, in accordance with legal procedure in force in and between our countries.

ACTION	BASELINE As of 1 Feb 98	TARGET	MEASUREMENT	STATUS As of 31 Aug 99
<p>13.1. Mexico and the United States will endeavor to maintain an updated legal framework regarding the forfeiture of assets used in or derived from illegal activities that provides for those assets to be used in drug abuse prevention programs and for law enforcement, in accordance with the legal procedures in effect in each country.</p>	<p>As of February 1, 1998, both countries had enacted domestic forfeiture legislation that will allow the forfeiture of assets used or derived from a wide range of illegal activities.</p> <p>As part of the Comprehensive Crime Control Act of 1984, the U.S. Congress established an asset forfeiture fund out of which funds may be used for law enforcement and for drug abuse prevention programs such as DARE.</p> <p>Mexican President proposed before the Union Congress, in December 1997, the following initiatives:</p> <p>The Federal Law for the Administration of Seized, Abandoned and Forfeited Assets. The initiative was approved by the Senate of the Republic; it is currently under analysis by the corresponding commissions in the Chamber of Deputies.</p>	<p>The U.S. and Mexico have already accomplished the action point.</p> <p>The U.S. and Mexico will report any changes in their respective forfeiture laws at the Senior Law Enforcement Plenary.</p> <p>Mexico will establish its Administration of Seized Assets Service when its congress adopts the law mentioned in the baseline currently under consideration.</p>	<p>Provide a legal framework for the use of forfeited assets.</p> <p>Reports shared to include new laws enacted and amendments to current forfeiture laws.</p>	<p>Mexico informed the U.S. of the approval of the reform initiative for Article 22 of the Political Constitution of the Mexican United States, regarding the application, in favor of the State, of assets seized in investigations or procedures related to organized crime.</p> <p>Mexico informed the U.S. of the approval by the Mexican Congress of the Federal Law for the Administration of Seized, Forfeited and Abandoned Assets, published on May 14th 1999, which came into force on August 14th of that same year, and the Service for the Administration of Assets contemplated in the Law started functions that same day.</p>

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13.1. (Con't)	Besides the advances in terms of seized and forfeited assets, there was significant progress in the approval of the reforms to Article 22 of the Political Constitution of the Mexican United States, its purpose being to apply, in favor of the State, those assets that have been seized in investigations or prosecutions related to drug trafficking that have not been officially disposed of yet. This initiative was approved by the Congress and State legislatures.			On the U.S. side, there are currently two initiatives for asset forfeiture before the Senate (one of which has already been approved by the House of Representatives) that will significantly change U.S. civil forfeitures. Additionally, the Administration has formally placed a third official bill before Congress for enactment that would alter both criminal and civil forfeiture laws.

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<p>13.2. Once Mexico has enacted the necessary domestic asset forfeiture legislation, the United States and Mexico will take steps to reach a bilateral, comprehensive international forfeiture cooperation agreement that also provides for reciprocal asset sharing.</p>	<p>Since 1992, the United States can share forfeited assets with countries that participated directly or indirectly in the activities leading to the seizure and/or forfeiture of assets.</p> <p>See 13.1.</p>	<p>Once Mexico has enacted domestic administration of asset forfeiture legislation, both countries will begin negotiations to draft a comprehensive asset forfeiture cooperation agreement that provides for reciprocal asset sharing.</p>	<p>Subject to the adoption of Mexican legislation, preparation by the United States and Mexico of a mutually acceptable draft of a comprehensive bilateral asset forfeiture cooperation agreement that provides for reciprocal asset sharing.</p>	<p>Mexico and the U.S. continue negotiations for the creation of an Agreement for the Reciprocal Sharing of Forfeited Criminal Assets.</p>

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13.3. The Governments of the United States and Mexico will offer forfeiture training programs for investigators and prosecutors of both countries.	There has been specific binational training of investigators and prosecutors concerning asset forfeiture.	<p>By July 1999, both governments will organize a training conference on asset forfeiture for Mexican prosecutors and investigators.</p> <p>Both governments will offer asset forfeiture training for investigators before July 31, 1999.</p>	<p>Number of prosecutors and investigators trained on asset forfeiture issues.</p> <p>Programs offered by both governments.</p> <p>Percentage of those prosecutors and investigators satisfied with training programs offered by the United States based on evaluation forms.</p>	In the Binational Training Seminars (South Carolina and Mexico City) the issue of asset seizure and forfeiture was included. Both countries are developing a plan for providing specific training on asset forfeiture.

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<p>13.4. Both Governments will develop and maintain international forfeiture cooperation provisions pursuant to their obligations under the United States-Mexico Mutual Legal Assistance Treaty and the United Nations (Vienna) Convention of 1988.</p>	<p>As of February 1998, the United States had enacted and implemented legislation that enabled the U.S. to furnish international forfeiture cooperation. However, the U.S. has limited power to restrain property on behalf of a foreign jurisdiction and cannot enforce value-based forfeiture orders, although the Administration has placed such legislation before Congress for enactment.</p> <p>Mexico can seize assets at the request of the United States through the Mutual Legal Assistance Treaty.</p>	<p>The United States will support enactment of the current pending legislation which will amend its current asset forfeiture laws which will expand the list of foreign money laundering crimes, permit the U.S. to freeze proceeds from foreign crimes, and enforce foreign value based forfeiture judgments.</p> <p>Mexico will pursue its interest in final adoption of the amendment of Article 22 of the Constitution of the Mexican United States and report the status of that process at the next meeting of the Senior Law Enforcement Plenary</p>	<p>Enactment of the proposed legislation by the United States' Congress.</p> <p>Amendment of the Constitution.</p>	<p>For the U.S.: Legislation is still pending before Congress.</p> <p>Mexico can seize assets by request of the U.S. by means of the Mutual Legal Assistance Treaty.</p> <p>The reform for Article 22 was published in the "Diario Oficial de la Federación" on March 8, 1999, coming into effect one day later.</p> <p>The GOM is preparing the draft regulatory reform for the above mentioned constitutional modification.</p>

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<p>13.5. In accordance with domestic law, both Governments will develop and maintain an asset forfeiture fund that will provide resources to drug programs and law enforcement entities.</p>	<p>See 13.1.</p>	<p>The United States has accomplished the point of action.</p> <p>Once Mexico has enacted the necessary domestic administration of asset forfeiture legislation, it will establish and maintain asset forfeiture criteria that will provide resources to drug programs and law enforcement entities.</p>	<p>Use of forfeited assets for drug programs and law enforcement entities</p>	<p>See Action 13.1. for status of U.S. legislation.</p> <p>The U.S. continues to maintain its asset forfeiture funds.</p> <p>Both countries should establish common criteria for the seizure of assets and their reciprocal sharing once they are forfeited.</p>